REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-6, 9, 11-13 are pending in the present application, with claims 1, 9 and 11 being independent. Claims 7, 8 and 10 have been canceled without prejudice.

Claim Rejections Under 35 U.S.C. §112

The Examiner rejected claim 7 under 35 U.S.C. §112 as being indefinite. The claim has been cancelled, and withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-12 under 35 U.S.C. §102, second paragraph, as being anticipated by Yuki et al. (U.S. patent 6,778,557). These rejections are respectfully traversed insofar as they pertain to the presently pending claims.

The independent claims 1, 9 and 11 have been amended to incorporate all the limitations of claim 8. According to the Examiner Yuki et al. in col. 63, lines 33-37, teach that the band allocation control unit posts band identification information when the band allocation control unit controls band allocation for a slave station apparatus, which does not identify a type of data to be transmitted. Applicant respectfully submits that what this

passage actually teaches is that identifiers for requesting information amount reports from specific slave units are written to PLOAM cells.

Not only does this feature not amount to posting band identification information, but it relates to another difference between Yuki et al. and the present invention, in that whereas Yuki et al. teach that the master unit requests information about reports from the slave units, the present invention teaches that the slave units spontaneously send band request information to the master unit.

Furthermore, the Examiner refers to column 63, lines 4-5. These lines describe how the number of cells or slots necessary is counted in integral units in a counter in the slave unit, and do not address identification of a type of data. Regarding column 64, lines 6-7, Yuki et al. here describe how a cell addressed to a slave unit is sent to a control unit if it is a PLOAM cell, and to an output port if it is not. This simply means that a slave unit is capable of telling the difference between a PLOAM cell and a data cell received from the master unit and route it correctly internally in the unit. This, of course, is very different from the claimed feature of including with band allocation information identifying a slave station, and also information identifying the data to be transmitted by that slave station.

In view of the above discussion it should be clear that Yuki et

al. fail to anticipate claims 1, 9 and 11 as currently amended.

Dependent claims 2-6 and 12 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejections is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Yuki et al. in view of U.S. patent 6,201,622 to Lobbett et al. Claim 13 depends from claim 11 which should be considered allowable for the reasons discussed above. Claim 13 should be considered allowable at least for depending from an allowable base claim. Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
D. Richard Anderson, Reg.#40,439

DRA/TSE:tm
2611-0176P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000